IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5533 OF 2007

Narayan Hari Gurav (deceased)
THROUGH L.R.
Smt. Sonabai Narayan Gurav .... Petitioner

versus

Smt. Rith Edward Farnandis & ors..... Respondent.

Mr. D.S. Sawant i/b. Rahul P.Walvekar for the petitioner.

CORAM; A.P. DESHPANDE, J.
DATED; 01ST AUGUST, 2007

P.C.;

1. The present petitioner is the original defendant whereas the respondent is the plaintiff. The respondent/plaintiff claims that the suit property bearing City Survey No.37/C is owned by him along with other co-sharers who are referred to as defendant nos. 8 and 9. The plaintiff has claimed that the suit property is ancestral property and the plaintiff is the owner and in possession thereof. In the suit for perpetual injunction, an application for temporary injunction was moved and the trial court allowed the application, being of the view that the plaintiff has primafacie established his possession over the suit property. From the impugned order it does appear that voluminous documents are placed on record by the rival

parties to establish their title and possession. After recording the finding in favour of the plaintiff, the trial court has granted injunction as prayed for and aggrieved thereby the present petitioner had preferred a Misc. Civil Appeal before the District Court. The District Court concurring with the view taken by the trial court has rejected the Misc. Civil Appeal. Hence the present writ petition.

2. Perused the orders passed by the courts below. Both the courts have concurrently found in favour of the plaintiff that he has made out a primafacie case for grant of injunction. The temporary injunction order is operating in favour of the plaintiff since last about one and half year. Thus no interference is called for in exercise of writ jurisdiction. However having regard to the facts and circumstances of the present case, I deem it appropriate to seek disposal of the main suit expeditiously. I hope and trust that the trial court shall proceed to decide the suit as expeditiously as possible and preferably within a period of six months from today. There being no merit in the petition, the same is summarily dismissed.

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